ENVIRONMENTAL ADVOCATES
ATTORNEYS AT LAW
5135 ANZA STREET
SAN FRANCISCO, CALIFORNIA 94121
TELEPHONE (415) 533-3376
FAX (415) 358-5695

October 9, 2019

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David Wilson
Angelus Block Company, Inc.
11374 Tuxford Street
Sun Valley, California 91352

Edward Antonini
CEO and Registered Agent for Service of Process
Angelus Block Company, Inc.
11374 Tuxford Street
Sun Valley, California 91352

Re: Notice of Clean Water Act Violations and Intent to File Suit

Dear Sirs:

I am writing on behalf of Los Angeles Waterkeeper ("LA Waterkeeper") to give notice of its intent to file a civil action against Angelus Block (hereinafter collectively "You," "Your" or "Angelus") for Your violations of the Clean Water Act ("CWA") at the Angelus Block facilities located in Gardena, California ("the Gardena Facility") and Sun Valley, California ("the Sun Valley Facility") (each, a "Facility" and collectively, "the Facilities").

This notice concerns Your violations of the CWA at Your concrete fabrication facility located in Gardena, California. Your Storm Water Pollution Prevention Plan for this facility indicates the address of this facility is 252 E Redondo Beach Boulevard, Gardena, California ("the Gardena Facility"). *See* Storm Water Pollution Prevention Plan (SWPPP) Angelus Block,

WDID 4 19I004554 ("Gardena SWPPP").[1] This notice additionally concerns Your violations of the CWA at Your concrete fabrication facility located in Sun Valley, California. Your SWPPP for this facility indicates that the address of the Sun Valley Facility is 11374 Tuxford Street, Sun Valley, California. *See* Storm Water Pollution Prevention Plan (SWPPP) Angelus Block, WDID 419I004553 ("Sun Valley SWPPP").[2] This letter addresses Your violations of the substantive and procedural requirements of the CWA and National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [California State Water Resources Control Board] Water Quality Order No. 97-03-DWQ ("1997 Permit"). This letter further addresses Your violations of the predecessor version of the Industrial Stormwater Permit Issued by the California State Water Resources Control Board ("State Board") by Water Quality Order No. 91-013-DWQ (as amended by Order No. 92-116) in 1991/1992 ("1992 Permit") and Your violations of the version of the Industrial Stormwater Permit issued on April 1, 2014 by State Board Water Quality Order No. 2014-0057-DWQ and effective on July 15, 2015 ("2015 Permit"). All three of these versions of NPDES Permit No. CAS000001 had/have essentially the same terms and conditions. All references in this letter to sections of the version of NPDES Permit No. CAS000001 adopted by Water Quality Order No. 2014-0057-DWQ should be construed as equally referring to comparable sections in the State Board's orders adopting the 1992 and 1997 versions of this permit.[3]

CWA section 505(b) requires that sixty (60) days prior to the initiation of a civil action under CWA section 505(a), 33 U.S.C. § 1365(a), a citizen must give notice of his or her intent to file suit. Notice must be given to the alleged violator, the U.S. Environmental Protection Agency, and the State in which the violations occur.

As required by the CWA, this Notice of Violation and Intent to File Suit provides notice of the violations that have occurred and which are continuing to occur at Your facilities. LA

---

[1] The SWPPP includes site maps that further identify and depict the location of the Gardena Facility.

[2] The SWPPP includes site maps that further identify and depict the location of the Sun Valley Facility.

[3] The version of NPDES Permit No. CAS000001 adopted by Water Quality Order No. 2014-0057-DWQ became effective July 1, 2015 and supersedes the version of this permit adopted by Water Quality Order No. 97-03-DWQ "except for Order 97-03-DWQ's requirement to submit annual reports by July 1, 2015 and except for enforcement purposes." Water Quality Order No. 2014-0057-DWQ at 1 & § I.6 (Findings). Thus, all requirements imposed by Water Quality Order No. 97-03-DWQ will remain in full force and effect after July 1, 2015 for purposes of the citizen suit that LA Waterkeeper proposes to bring against You. However, the requirements imposed by Water Quality Order No. 2014-0057-DWQ also came into effect after July 1, 2015 and Your future violations of such Order's imposition of NPDES permit terms essentially identical to those ordered by Water Quality Order No. 97-03-DWQ will also be enforceable in this proposed citizen suit.

Waterkeeper's investigations have uncovered significant violations of the Industrial Stormwater Permit and the CWA at the Facilities. Consequently, You are hereby placed on formal notice from LA Waterkeeper that, after the expiration of sixty (60) days from the date of this Notice of Violation and Intent To File Suit, LA Waterkeeper intends to file suit in federal court against You under CWA section 505(a), 33 U.S.C. §1365(a), for CWA violations. These violations of the Industrial Stormwater Permit and the CWA are described more fully below.

I. BACKGROUND

LA Waterkeeper is a 501(c)(3) public benefit corporation, organized and existing under the laws of the State of California with a principal office at 120 Broadway, Suite 105, Santa Monica, California 90401. LA Waterkeeper was founded in 1993 with the mission of preserving, protecting, and defending the inland and coast waters of Los Angeles County from all sources of pollution and degradation. In pursuit of this mission, LA Waterkeeper actively seeks federal and state implementation of the CWA, and where necessary, initiates enforcement actions under the CWA on behalf of itself and its members. Members of LA Waterkeeper own property and homes and reside in Los Angeles County. They use and enjoy the Los Angeles River, Compton Creek, other Los Angeles County waterways, and the ocean and beaches into which those waters flow. Members of LA Waterkeeper use these waterways for recreation, education, and observation. Additionally, LA Waterkeeper and its members use these waters to engage in scientific study through pollution and habitat monitoring and conservation activities. LA Waterkeeper and its members have been and will continue to be harmed by the degradation of these waterways resulting from Angelus's failure to comply with the Industrial General Permit and the CWA.

Discharges of stormwater and non-stormwater from concrete fabrication facilities are of significant concern because the industrial activities associated with these sites make various pollutants particularly accessible to stormwater. Specifically, facilities such as Your Facilities are engaged in the processing of concrete, which contains a wide range of toxic and hazardous materials, and other pollutants that can come into contact with stormwater.

II. THE LOCATION OF THE ALLEGED VIOLATIONS

The violations alleged in this notice letter have occurred and continue to occur at Your Gardena Facility that Your annual reports indicate as having the following address: 252 E Redondo Beach Boulevard, Gardena, California. The Gardena Facility's SWPPP identifies Compton Creek as the receiving water for its stormwater discharges. Compton Creek is a water of the United States and a tributary of the Los Angeles River. Violations of the substantive and procedural requirements of the Industrial Stormwater Permit and the CWA have occurred and continue to occur at the Gardena Facility.

The violations alleged in this notice letter have occurred and continue to occur at Your

Sun Valley Facility that Your annual reports indicate as having the following address: 11374 Tuxford Street, Sun Valley, California. The Sun Valley Facility's SWPPP identifies the Burbank Western Channel as the receiving water for its stormwater discharges. The Burbank Western Channel is a water of the United States and a tributary to the Los Angeles River. Violations of the substantive and procedural requirements of the Industrial Stormwater Permit and the CWA have occurred and continue to occur at the Sun Valley Facility.

A. The Gardena Facility

You own and operate the Gardena Facility that is located 0.70 miles East of the Harbor Freeway on E Redondo Beach Boulevard. As noted, the address for the Facility is 252 E Redondo Beach Boulevard, Gardena, California. The Gardena Facility discharges via municipal storm sewer to Compton Creek.

At the Gardena Facility, You conduct off-loading of cement and aggregates into bins and onto a conveyor system to a batch plant. After mixing, the concrete is molded, cured, and dried in curing chambers. You also use admixtures at the Gardena Facility, including color. Secondary operations include splitting of blocks, as well as color weighing, pallet repair, and mold repair. Service related activities include vehicle maintenance, fueling, waste handling, and raw material and finished block hauling. There are several industrial areas, material handling and storage areas, dust and particulate generating activities, and spills or leaks that may be exposed to storm water discharges. Pollution sources include uncovered concrete mixers; scrap piles; stock piles; and tracking of dust, debris, or residues from concrete splitting, mixing, or other dust and particulate generating activities. The Gardena Facility lacks sufficient and/or sufficiently well-maintained berms or other structural controls to retain stormwater onsite. Angelus does not sufficiently treat contaminated stormwater prior to discharge from the Gardena Facility. Angelus's annual reports and ad-hoc reports filed with the California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") indicate that discharges of stormwater from the Gardena Facility are consistently contaminated with higher levels of pollutants than permissible under the Industrial Stormwater Permit and that You have therefore failed to develop and/or implement an adequate SWPPP, Monitoring Implementation Program ("MIP"), or best management practices ("BMPs") as required by the current Industrial Stormwater Permit and predecessor versions of that Permit.

B. The Sun Valley Facility

You own and operate the Sun Valley Facility that is located at 11374 Tuxford Street, Sun Valley, California. The Sun Valley Facility is located directly north of the Golden State Freeway (5 Fwy) on Tuxford Street. At the Sun Valley Facility, You conduct off-loading of cement and aggregates into bins and onto a conveyor system to a batch plant. After mixing, the concrete is molded, cured, and dried in kilns. You also use ad-mixtures at the Sun Valley Facility, including color. Secondary operations include grinding and splitting of the blocks, as well as color

weighing, pallet repair, and mold repair. Service related activities include vehicle maintenance, fueling, waste handling, and raw material and finished block hauling. Pollution sources include oils, greases, and coolant used in maintenance operations; outside storage of metal, rubber, and wood scrap materials; dust from Your burnishing machine; materials tracking from kiln loading and unloading; and dust, particulates, and aggregate debris from Your outdoor concrete mixers. The Sun Valley Facility lacks sufficient and/or sufficiently well-maintained berms or other structural controls to retain stormwater onsite. Angelus does not sufficiently treat contaminated stormwater prior to discharge from the Sun Valley Facility. Angelus's annual reports and ad-hoc reports filed with the Regional Board indicate that discharges of stormwater from the Sun Valley Facility are consistently contaminated with higher levels of pollutants than permissible under the Industrial Stormwater Permit and that You have therefore failed to develop and/or implement an adequate SWPPP, MIP, or BMPs as required by the current Industrial Stormwater Permit and predecessor versions of that Permit.

C. Affected Waters

Stormwater discharged from Your Facilities flows from Compton Creek and the Burbank Western Channel into the Los Angeles River and then to the Pacific Ocean. The CWA requires that water bodies like Compton Creek, the Burbank Western Channel, the Los Angeles River, and the Pacific Ocean meet water quality objectives that protect specific "beneficial uses." The Burbank Western Channel is a tributary of the Los Angeles River, Reach 3. The beneficial uses of the Burbank Western Channel include municipal and domestic supply, warm freshwater habitat, and wildlife habitat. Compton Creek is a tributary of the Los Angeles River, Reach 1. The beneficial uses of Compton Creek include municipal and domestic supply, groundwater recharge, warm freshwater habitat, wildlife habitat, and wetland habitat.[4]

LA River Reaches 1-3 provide critical habitat for species, including many that are endangered, threatened, rare, and endemic to Southern California. The concrete-lined sections provide wading habitat for shorebirds that have cannot live elsewhere given that the majority of Los Angeles's wetlands have been destroyed. The Los Angeles River estuary provides a rich brackish habitat at the intersection of freshwater and saltwater environments. The LA River supports endangered species, including the Least bell's vireo, Western yellow-billed cuckoo, Willow flycatcher, and Tri-colored blackbird. They also support species of special concern, such as the Santa Ana sucker, arroyo chub, California brown pelican, yellow-breasted chat, long-billed curlew, bank swallow, and the California red-legged frog. These habitats remain vulnerable, however. Past habitat destruction and pollution have led to the extirpation of many species, including the western pond turtle and the steelhead trout, and many species listed here are likely to be extirpated in the near future.

The California Regional Water Quality Control Board, Region 4's Basin Plan ("Basin

[4] The Water Quality Control Plan is available at https://www.epa.gov/sites/production/files/2015-03/documents/ca4-losangeles-region.pdf

Plan") seeks to protect and maintain aquatic ecosystems and the resources those systems provide to society. The Basin Plan acknowledges discharges of urban industrial site stormwater as a potential significant source of pollution adversely affecting the quality of local waters. Contaminated stormwater discharges from Your Facilities adversely impact the water quality of the Los Angeles River and threaten its vulnerable and important ecosystem.

Contaminated stormwater from concrete manufacturing and associated activities at Your Facilities endangers rare and endangered species and further degrades habitat for all species in the Los Angeles River. Los Angeles River sediments act as a sink for bioaccumulative deposits of heavy metals, and strong winds and tidal currents continually re-suspend and redeposit these metals. Toxic chemicals are concentrated in the River's food web as toxic metals and other contaminants. These contaminants are absorbed and consumed by organisms lower on the food chain and then travel up the food chain, to be consumed by shellfish, fish, birds and eventually by humans. Contamination of the aquatic food chain disproportionately harms minority and poor communities, who typically eat a greater than average amount of fish.

Stormwater runoff from Your Facilities contaminated with metals and other pollutants also harms the special aesthetic and recreational significance that the Los Angeles River and its tributaries has for people in the surrounding communities. Pollution and contamination from Your Facilities harms the aesthetic, educational and recreational experiences of LA Waterkeeper's members who use the affected waters.

D. Enrollment Under the Industrial General Permit

It is unlawful to discharge pollutants to waters of the United States, such as the Los Angeles River, Compton Creek, or the Burbank Western Channel without an NPDES permit or in violation of the terms and conditions of an NPDES permit.

Your Gardena Facility has been enrolled under the Industrial General Permit since at least May 25, 2007. On June 26, 2015, You submitted a Notice of Intent to be authorized to discharge stormwater from the Gardena Facility by the Industrial Stormwater Permit and thus at all relevant times have been a permittee subject to the Industrial Stormwater Permit's requirements.

Your Sun Valley Facility has been enrolled under the Industrial General Permit since at least May 25, 2007. On June 26, 2015, You submitted a Notice of Intent to be authorized to discharge stormwater from the Sun Valley Facility by the Industrial Stormwater Permit and thus at all relevant times have been a permittee subject to the Industrial Stormwater Permit's requirements.

The Stormwater Industrial Permit is an NPDES permit, the current version of which took effect on July 1, 2015. Other than coverage under the Industrial Stormwater Permit, Your Facilities lack NPDES permit authorization for any wastewater discharges.

As discussed below, LA Waterkeeper's investigations have uncovered numerous

significant violations of the Industrial Stormwater Permit and of the CWA's prohibition on the discharge of pollutants to waters of the United States not in compliance with an NPDES permit. Consequently, You are hereby placed on formal notice by LA Waterkeeper that, after the expiration of sixty (60) days from the date of this Notice of Violation and Intent To File Suit, LA Waterkeeper intends to file suit in federal court against You under CWA section 505(a), 33 U.S.C. § 1365(a), for violations of the CWA.

III. THE ACTIVITIES AT THE FACILITIES ALLEGED TO CONSTITUTE VIOLATIONS AND THE EFFLUENT LIMITATIONS VIOLATED

Numerous pollutant-generating activities at Your Facilities occur outdoors in uncovered areas exposed to rainfall and stormwater runoff. As a result, contaminated stormwater runs off the Facilities from the discharge points identified in Your SWPPPs and discharges to the tributaries of the Los Angeles River identified in Your SWPPPs. Pursuant to the Industrial Stormwater Permit, this contaminated stormwater discharge obligates You to develop, implement, and update and revise a SWPPP for each facility to minimize the discharge of pollutants to a level commensurate with application of the Best Available Technology Economically Achievable ("BAT") and the Best Conventional Pollutant Control Technology ("BCT"). In addition, the SWPPPs and Your implementation of the SWPPPs must prevent Your discharges from causing or contributing to violations of Water Quality Standards for the waters which receive Your discharges. You must also monitor and sample Your Facilities' stormwater discharges, and meet various other limitations on Your stormwater discharges.

As further described below, You have failed to develop, implement, and revise adequate SWPPPs at the Facilities. You have discharged stormwater containing pollutants in excess of BAT and BCT levels of control and causing violations of Water Quality Standards. You further have failed to adequately monitor and sample Your stormwater discharges and meet various other limitations on Your stormwater discharge in the Industrial Stormwater Permit. Additionally, You have failed to submit Annual Reports as required by the Industrial Stormwater Permit. These actions all violate the CWA.

As a result of the numerous pollutant-generating activities at Your Facilities, contaminated stormwater runs off Your Facilities and discharges into the tributaries to the Los Angeles River identified in your SWPPPs. Information available to LA Waterkeeper indicates that You have failed to comply with all requirements of the Industrial Stormwater Permit. As further described below, these actions constitute violations of the CWA.

A. Discharges in Violation of the Industrial Stormwater Permit

The CWA provides that "the discharge of any pollutant by any person shall be unlawful" unless the discharger is in compliance with the terms of a NPDES permit. CWA § 301(a), 33 U.S.C. § 1311(a); *see also* CWA § 402(p), 33 U.S.C. § 1342(p) (requiring NPDES permit issuance for the discharge of stormwater associated with industrial activities). A facility may discharge storm water associated with industrial activity only if

the facility complies with the terms of the Industrial Stormwater Permit. Each of these permit terms constitutes an "effluent limitation" within the meaning of CWA section 505(f), 33 U.S.C. § 1365(f). Here, the Facilities discharge polluted stormwater associated with industrial activity to Compton Creek, the Burbank Western Channel, the Los Angeles River and the Pacific Ocean, but they have failed to meet the Industrial Stormwater Permit's terms. Thus, the Facilities' stormwater discharges have violated numerous permit terms, thereby violating CWA effluent limitations.

1. Discharges in Excess of BAT/BCT Levels

The Effluent Limitations of the 2015 Permit, § V.A. and the 1997 Permit, Waste Discharge Requirements, § B.3, prohibit Your Facilities from discharging pollutants above the level commensurate with the application of BAT and BCT. EPA and the State Board have published Benchmark Values set at the maximum level of pollutant loading generally expected if an industrial facility is employing BAT and BCT,[5] (set forth in Attachment 1 to this Notice Letter). In the 2015 Permit, the State Board has established Numeric Action Limits ("NALs") (set forth in Attachment 1 to this Notice Letter) which serve a similar purpose. As reflected in Attachment 1 to this Notice Letter, the Facilities have repeatedly discharged stormwater from the discharge locations ("outfalls") identified in Your SWPPPs containing pollutant levels exceeding these Benchmark Values and NALs, which establishes that the Facilities have discharged pollutants above a level commensurate with application of BAT and BCT. Attachment 1 compiles some of the self-monitoring data reported by the Facilities to the Regional Board reflecting the Facilities' sampling of actual stormwater discharges. The sample results reflected in Attachment 1 are representative of the pollutant levels in the Facilities' discharge of stormwater. Thus, every instance when the Facilities have discharged stormwater, including instances when the Facilities have discharged stormwater that it has not sampled, this stormwater discharge has contained levels of pollutants comparable to the levels set forth in Attachment 1.

LA Waterkeeper alleges and puts You on notice that each day that You discharged stormwater from the Facilities, Your stormwater contained levels of pollutants similar to the levels reported in Attachment 1, thus exceeding Benchmark Values and Numeric Action Levels.

While You should be aware of each day that You have discharged stormwater from the Facilities (as the Industrial Stormwater Permit requires You to monitor such discharges), LA Waterkeeper alleges and puts You on notice that since You began industrial operations at the Facilities, You have discharged stormwater containing pollutants from the Facilities to the Burbank Western Channel and Compton Creek during at least every significant local rain event over 0.1 inches. Significant local rain events are reflected in the rain gauge data available at https://www.ncdc.noaa.gov/cdo-web/search. Attached as Attachment 2, Table 1 is a table reflecting the rainfall from October 9, 2014 to September 29, 2019 (the last data

[5] These Benchmark Values can be found at https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015_fs.pdf

available as of the date of this Notice Letter) as reported to the Hawthorne Municipal Airport monitoring station (applicable to the Gardena Facility), and attached as Attachment 2, Table 2 is a table reflecting the rainfall data from the same date range as reported to the Burbank Glendale Pasadena Airport monitoring station (applicable to the Sun Valley Facility), each of which is the closest monitoring station to the applicable Facility available on the National Oceanic and Atmospheric Administration website.

LA Waterkeeper further alleges that on each day that You have discharged stormwater, You have discharged stormwater that was not treated to a level commensurate with BAT or BCT in violation of the Effluent Limitations of the Industrial Stormwater Permit, § V.A., because, as further alleged in subsection 3, below, You have not developed and implemented SWPPPs that mandate BMPs that are commensurate with BAT and BCT for Your Facilities.

LA Waterkeeper further alleges that on each day of rainfall at the Gardena Facility is identified in Attachment 2, Table 1 you have caused stormwater discharge that was not treated to a level commensurate with BAT or BCT in violation of the Effluent Limitations of the Industrial Stormwater Permit, § V.A., because You have tracked pollutants from the Gardena Facility onto the public street adjoining the facility and caused these pollutants to be discharged during rain storms via runoff into the municipal separate storm sewer system drop inlet located on this public street. Pollutants conveyed into the municipal separate storm sewer system in this fashion are in turn discharged to Compton Creek.

LA Waterkeeper alleges that Your unlawful discharges of stormwater from the Facilities with levels of pollutants exceeding BAT and BCT levels of control continue to occur during all significant rain events. Each discharge of stormwater from Your Facilities after the effective date of the BAT and BCT requirements constitutes a separate violation of the Industrial Stormwater Permit and the CWA. You are subject to civil penalties for violations of the Industrial Stormwater Permit and the CWA within the past five (5) years.

Your continued discharges of stormwater containing levels of pollutants above Benchmark Values and BAT- and BCT-based levels of control necessarily means that You have not developed and/or implemented sufficient BMPs at the Facilities to prevent stormwater flows from coming into contact with the sources of contaminants at the Facilities or otherwise to control the discharge of pollutants from the Facilities. Accordingly, Angelus has not developed and/or implemented adequate SWPPPs or MIPs at the Facilities.

2. Discharges that Have Impaired Receiving Waters

The 2015 Permit requires dischargers to implement a set of minimum BMPs. Implementation of the minimum BMPs, in combination with any advanced BMPs necessary to reduce or prevent pollutants in industrial stormwater discharges, serves as the basis for compliance with the permit's technology-based effluent limitations and water quality based receiving water limitations. *See* 2015 Permit § X.H.1 and 2. The Discharge Prohibitions of

the current Industrial Stormwater Permit, § VI. A-C prohibit stormwater discharges that cause or threaten to cause pollution, contamination, or nuisance; prohibit stormwater discharges to surface or groundwater that adversely impact human health or the environment; and prohibit stormwater discharges that cause or contribute to an exceedance of applicable Water Quality Standards (WQSs). The 2015 Permit includes the same requirements and also requires a discharger to monitor additional parameters if the discharge(s) from its facilities contribute pollutants to receiving waters that are listed as impaired for those pollutants (CWA section 303(d) listings). *See* 2015 Permit § VI. A-C and VII.B. WQSs applicable to the Facilities are established in, *inter alia*, the Basin Plan[6] and California Toxics Rule.[7] Discharges that contain pollutants in excess of, or that are otherwise inconsistent with, an applicable WQS violate the General Permit.

The receiving waters that are 303(d) listed as impaired for pollutants that are likely to be associated with industrial stormwater in Applicable Water Quality Standards are set forth in the Basin Plan.[8] The Burbank Western Channel is 303(d)-listed as impaired for Copper, Cyanide, Indicator Bacteria, Lead, Selenium and Trash. Reach 3 of the Los Angeles River, which is downstream of the Burbank Western Channel, is 303(d)-listed as impaired for Copper, Ammonia, Indicator Bacteria, Algae, Toxicity, and Trash. Compton Creek is 303(d)-listed as impaired for Benthic Community Effects, Copper, Indicator Bacteria, Lead, pH, Trash, and Zinc, Reaches 2 and 1 of the Los Angeles River, downstream of Compton Creek are impaired as follows: Reach 2 – Ammonia, Copper, Indicator Bacteria, Lead, Nutrients, Oil, and Trash; Reach 1 – Ammonia, Cadmium, Copper, Cyanide, Lead, Nutrients, pH, Trash, Zinc.

The Basin Plan also establishes the following Water Quality Standards for Inland Surface Waters:

1. Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Basin Plan at 3-38.

2. Waters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses. *Id.* at 3-37.

3. Waters shall not contain oils, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the

---

[6] The Basin Plan designates Beneficial Uses for the Receiving Waters. Water quality standards are pollutant concentration levels determined by the state or federal agencies to be protective of designated Beneficial Uses. Discharges above water quality standards contribute to impairment of Receiving Waters' Beneficial Uses.

[7] *Criteria for Priority Toxic Pollutants for the State of California.* 65 Fed. Reg. 31712 (May 18, 2000); 40 C.F.R. § 131.38.

[8] The Basin Plan is published by the Regional Board on the internet at: https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/electronics_documents/Final%20Chapter%203%20Text.pdf

water, that cause nuisance, or that otherwise adversely affect beneficial uses. *Id.* at 3-29.

4. The pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges. Ambient pH levels shall not be changed more than 0.5 units from natural conditions as a result of waste discharge. *Id.* at 3-35.

LA Waterkeeper alleges and puts You on notice that Your discharges of stormwater from the Gardena Facility from the discharge location ("outfall") identified in the Gardena SWPPP have caused or contributed to an exceedance of one or more of the above-listed Water Quality Standards. Attachment 1, Tables 1 and 2 to this Notice Letter compile some of the self-monitoring data reported by the Gardena and Sun Valley Facilities to the Regional Board reflecting the Facilities' sampling of stormwater discharges. The sample results reflected in Attachment 1 are representative of the pollutant levels in the Facilities' discharges of stormwater, including such discharges that You did not sample or analyze. Thus, in every instance when the Facilities have discharged stormwater, including instances when the Facilities have discharged stormwater that You have not sampled, this stormwater discharge has contained levels of pollutants comparable to the levels set forth in Attachment 1. Attachment 1 indicates that the Facilities routinely discharge stormwater to tributaries of the Los Angeles River containing, *inter alia*, the following pollutants: total suspended solids ("TSS"), oil and grease, and iron. Similarly, sampling data collected by LA Waterkeeper establishes that stormwater containing elevated concentrations of aluminum, iron, TSS, and zinc flowed off the driveway of the Gardena Facility on March 2, 2019 Attachment 1, Table 3. Storm water that flows off of this driveway flows into a storm drain that in turn conveys storm water into Compton Creek, so this LA Waterkeeper sample is representative of Your storm water discharges to waters of the United States. The levels of these pollutants in Your Facilities' stormwater discharges have caused pollution, contamination, or nuisance in violation of the Discharge Prohibitions of the 1997 Permit, ¶ A.2 and the current 2015 Permit § VI.A-C and VII.B and adversely impacted the environment in violation of the Receiving Water Limitations of the 1997 Industrial Stormwater Permit, ¶ C.1., and the current 2015 Permit § VI.A-C and VII.B. Moreover, the discharge of these pollutants has caused Compton Creek, Burbank Western Channel, and the Los Angeles River to not attain or contributed to these waters not attaining one or more applicable Water Quality Standards in violation of the Receiving Water Limitations of the 1997 Industrial Stormwater Permit, ¶ C.1 and the current 2015 Permit § VI.A-C and VII.B.[9]

Specifically, Your Facilities' discharges of iron, TSS, aluminum, zinc, and oil and grease have caused the Los Angeles River to exceed WQSs established by the Basin Plan for these pollutants. Your Facilities' discharges have further contributed to impairment of water quality as reflected in CWA section 303(d) impaired water listing by adding zinc to Compton Creek, oil to Los Angeles River Reach 2, and zinc to Los Angeles River Reach 1.

LA Waterkeeper alleges and puts You on notice that each day that You discharged

stormwater from the Facilities, Your stormwater contained levels of pollutants matching the levels set forth in Attachment 1 and thus caused levels of pollutants to exceed one or more of the applicable Water Quality Standards in Compton Creek, Burbank Western Channel, and the Los Angeles River.[10] While You should be aware of each day that You have discharged stormwater from the Facilities (as the Industrial Stormwater Permit requires You to monitor such discharges), LA Waterkeeper alleges and puts You on notice that since the effective date of the above-referenced Water Quality Standards, which date back at least to 1986 in most instances, You have discharged stormwater from the Facilities during at least every significant local rain event over 0.1 inches that has caused or contributed to Water Quality Standards not being met in the Compton Creek, Burbank Western Channel, and the Los Angeles River. Significant local rain events are reflected in the rain gauge data available at https://www.ncdc.noaa.gov/cdo-web/search and, as mentioned above, summarized in Attachment 2.

Your unlawful discharges from the Facilities continue to occur during all significant rain events. Each discharge from Your Facilities that causes or contributes to an exceedance of an applicable Water Quality Standard constitutes a separate violation of the Industrial Stormwater Permit and the CWA. You are subject to penalties for violations of the Industrial Stormwater Permit and the CWA within the past five (5) years.

3. Violation of Industrial Stormwater Permit Conditions Related to Development and/or Implementation of an Adequate Stormwater Pollution Prevention Plan ("SWPPP")

You have failed to make the required revisions to the SWPPPs for both the Gardena and Sun Valley Facilities. The 1992 Permit, Section A: Stormwater Pollution Prevention Plan Requirements, ¶ 1 requires dischargers covered by the Industrial Stormwater Permit and commencing industrial activities before October 1, 1992 to develop and implement an adequate SWPPP by October 1, 1992. The 1997 Permit, ¶ C.1 also requires dischargers to make all necessary revisions to existing SWPPPs promptly, and in any case no later than August 1, 1997. The July 1, 2015 version of this permit contains essentially identical SWPPP requirements, but with a new set of minimum BMPs and additional Advanced BMPs. *See* 2015 Permit § X.A-I. LA Waterkeeper hereby places You on notice that it intends to bring claims against you for violations of these provisions in the 2015 Permit.

---

[10] The 2015 Permit contains two types of NAL exceedances: (1) an annual NAL and (2) an instantaneous maximum NAL. An annual NAL exceedance occurs when the average of all sampling results within a reporting year for a single parameter (except pH) exceeds the applicable annual NAL. An instantaneous maximum NAL exceedance occurs when two or more analytical results from samples taken for any parameter within a reporting year exceed the applicable instantaneous maximum NAL value. Instantaneous maximum NALs are only for Total Suspended Solids and Oil and Grease. The 2015 Permit requires dischargers to develop and implement Exceedance Response Actions, when an annual NAL or instantaneous maximum NAL exceedance occurs during a reporting year. *See* 2015 Permit § XI and XII.

You have been in daily and continuous violation of the requirement to draft, revise, and implement an SWPPP with adequate minimum and advanced BMPs (*i.e.*, for BMPs that will address Your exceedances of NALs, prevent exceedances of water quality standards, and be commensurate with BAT/BCT) for each Facility since commencing operations at the Facilities. You will continue to be in violation every day that You fail to develop and implement an adequate SWPPP. You are subject to penalties for violations of the Industrial Stormwater Permit and the CWA occurring within the past five (5) years.

The SWPPP must include, among other requirements, the following:

1. Specification of BMPs designed to reduce pollutant discharge to BAT and BCT levels, including BMPs already existing and BMPs to be adopted or implemented in the future. 1997 Permit at 17, Section A: Stormwater Pollution Plan Requirements, ¶ 8; 2015 Permit § X.A-I.
2. Revisions to the SWPPP within 90 days after a facility manager determines that the SWPPP is in violation of any requirements of the Industrial Stormwater Permit. 1997 Permit Section A: SWPPP Requirements, ¶ 10.d.; 2015 Permit § X.A-I.

Your stormwater discharges in excess of EPA and State benchmarks contribute to violations of Water Quality Standards in the Receiving Waters and demonstrate that You have failed to prepare, maintain, revise, and implement Your SWPPP as required. Moreover, You are fully aware of the inadequacies of Your SWPPPs because Your November 2018 ERA Level One evaluation lists several ways in which the Gardena and Sun Valley SWPPPs are in violation of the Industrial Stormwater Permit:

Gardena Facility

- SWPPPs are missing the listing/discussion of all required minimum BMPs.
- Actual Advanced BMPs used at the Facility is not documented.
- A discussion of the Boneyard is missing from the SWPPP.
- Site-specific authorized non-storm water discharges (ANSWDs) are not identified in the SWPPP.
- Drainage areas, discharge points and sampling locations are not described as observed.
- Details about the drainage area are missing.

Sun Valley Facility

- The SWPPP is missing the listing/discussion of all required minimum BMPs.
- Actual Advanced BMPs used at the Facility are not documented.
- A discussion of the Crusher, Boneyard, and Empty Drum Storage Area are missing from the SWPPP.
- Site-specific authorized non-storm water discharges (ANSWDs) are not identified in the SWPPP.

- Drainage areas, discharge points, and sampling locations are not described as observed.
- Details about the drainage area are missing.
- BMP is missing for roll-off bins.

Upon information and belief, Your SWPPPs are also inadequate because they fail to discuss tracking of particulates (dust, grit, and so forth) out of the Gardena and Sun Valley Facilities; fail to include BMPs to address tracking; and lack the requisite training procedures description required under the Industrial Stormwater Permit. In addition, all discharge points are not sampled as required.

As of this letter, You have not revised the SWPPP for either Facility. Because more than 90 days have passed since the ERA Level One evaluation, You are in violation of the Industrial Stormwater Permit's requirement that revisions be made to SWPPPs within 90 days after a facility manager determines that the SWPPPs are in violation of any requirements of the Industrial Stormwater Permit. 1997 Permit Section A: SWPPP Requirements, ¶ 10.d.; 2015 Permit § X.A-I.

Your SWPPP for each Facility does not specify adequate BMPs designed to reduce pollutant discharge to BAT and BCT levels in accord with Section A: SWPPP Requirements, ¶ 8 of the 1997 Permit and Section X.A-I of the 2015 Permit as evidenced by the Facilities' continued discharges of stormwater contaminated above pollutant levels attainable via application of BAT and BCT. The Level 1 Exceedance Response Action Report prepared by Yorke Engineering, LLC in November 2018 stated that the facilities' SWPPPs should be updated to include the following BMPs, and indicated You were supposed to implement these BMPs by January 7, 2019:

<u>Gardena and Sun Valley Facilities</u>:

- Increase and improve sweeping throughout Facilities.
- Cover metal equipment stored outside with tarps or move equipment inside to the extent feasible.
- Add the use of a blower or shop vacuum to remove particulate that collects around sampling areas and in areas that cannot be reached by the sweeper.
- Remove vegetation that is located outside of landscaped areas.
- Clean sampling points on a quarterly basis and ensure sampling points are free of debris monthly. Place materials stored in the Boneyard on pallets to prevent materials from being readily mobilized by storm water.

<u>Gardena Facility</u>

- Add sand bags and filter socks to discharge point/sampling point (SW-1).
- Inspect the sock filters during the monthly visual inspections to ensure they are in good condition. Replace the filter socks if they appear to be in poor condition (rips, no flow of water) and vacuum/sweep the drains when sediment accumulation is observed.

- Vacuum/sweep the discharge points/sample locations when sediment accumulation is observed.
- Inspect the sand bags quarterly and replace as needed.
- Add sand bags around the color storage area to minimize track-out of colorant.

Sun Valley Facility

- Add sand bags and filter socks to discharge point/sampling point (SW-1).
- Inspect the sock filters during the monthly visual inspections to ensure they are in good condition. Replace the filter socks if they appear to be in poor condition (rips, no flow of water) and vacuum/sweep the drains when sediment accumulation is observed.
- Vacuum/sweep the discharge points/sample locations when sediment accumulation is observed.
- Inspect the sand bags quarterly and replace as needed.
- Add berm to Burnishing Machine area to direct all water used in the process to the sump.

Your failures to draft, revise, and implement adequate SWPPPs in all the above respects are in violation of each iteration of the Industrial Stormwater Permit. These measures are technologically feasible and constitute BAT and BCT for Your Facility/ies, as they were noted as BMPs to implement by Your own consultant. Additional technically feasible BMPs that constitute BAT and BCT include:

- Detention: On-site retention or detention of all or most off-site storm water discharge (including, as appropriate means to infiltrate storm water on-site in a fashion that does not risk groundwater contamination, such as through well engineered bioswales or rain gardens or installation of pervious paving or dry wells) to minimize storm water discharges (overall or from specific areas) or to detain storm water runoff for sufficient detention time so as to reduce pollutants in the discharge.
- Sweeping: Use of regenerative sweepers in otherwise inaccessible areas.
- Tracking prevention: installing tire washes.
- Storm drain system maintenance: covering storm drain inlets during the dry season
- Spill and oil leak prevention and response: covering the fueling equipment and berming the fueling area.
- Berming areas of the Gardena Facility where there are not retention walls.

You were required prepare and implement an adequate SWPPP for each Facility by no later than October 1, 1992 pursuant to the 1992 Permit; by Section A: Stormwater Pollution Prevention Plan Requirements, ¶ 1 of the 1997 Permit; and by Section X.A-I. of the 2015 Permit. You have not done so. Therefore, You have been in daily and continuous violation of the requirement to develop and implement an adequate SWPPP for each Facility since commencing operations at the Facilities. You will continue to be in violation every day that You fail to develop and implement an adequate SWPPP. You are subject to penalties for violations of the Industrial Stormwater Permit and the CWA occurring within

the past five (5) years.

4. Failure to Develop and/or Implement an Adequate Monitoring and Reporting Program and Perform Annual Comprehensive Site Compliance Evaluations and Annual Reports as Required by the Industrial Stormwater Permit.

Under the 2015 Permit, dischargers are required to prepare and implement a Monitoring Implementation Plan ("MIP") as part of their SWPPP. 2015 Permit, Section I. The Monitoring Implementation Plan requirements in the 2015 Permit specify visual observation procedures and locations, sampling procedures, locations, and methods that dischargers must comply with. 2015 Permit, Sections I.; IX. The 1997 Permit's Monitoring and Reporting Program ("MRP") required similar actions. While You have included a monitoring plan in each of your SWPPPs, You have not adequately implemented that monitoring plan.

Specifically, You have violated Your SWPPPs and both the 1997 and 2015 Permits by failing to monitor and report on Stormwater discharges during rain events. Your SWPPPs provide that You must collect and analyze stormwater samples from two qualifying storm events (QSEs) within the first half of each reporting year (July 1 to December 31) and two QSEs within the second half of each reporting year (January 1 to June 30). Your SWPPPs further provide that "In the event that samples are not collected or visual observations are not conducted due to approved exceptions, an explanation shall be included in the Annual Report." While there have been several qualifying storm events in the past five years and beyond (*see* Attachment 2), You have failed to sample stormwater discharges during these events. As noted, any failure to comply with Your SWPPPs also constitutes a violation of Section A, ¶ 1 of the 1997 Permit and a violation of Section X.A of the 2015 Permit.

Your MIPs must provide for analysis of stormwater samples for TSS, pH, and total oil and grease. In addition, Your MIPs must provide for analysis of stormwater samples for the other analytical parameters listed in the Industrial Stormwater Permit under Table 1. You indicate that Your SIC code is 3271 for both Facilities, which would obligate You under Table 1 to analyze stormwater samples for iron. You must in any case analyze Your samples at least for all of the polluting parameters identified in Your SWPPPs. 1997 Permit, Section B: MRP, ¶ 1; 2015 Permit, XI.B(6). Your SWPPPs/MIPs identify the following pollutants as those You will analyze your stormwater discharges for: pH Level, Oil and Grease, Total Suspended Solids, and Total Iron. Sun Valley SWPPP at 17; Gardena SWPPP at 17.

You have failed to implement MIPs that are compliant with the Stormwater Industrial Permit because you have not analyzed all of the pollutant parameters listed in the above paragraph in each of the stormwater runoff events from Your Facilities that You were required to take samples of. Specifically, You failed to measure pH levels at the Gardena Facility during the January 31, 2019 and March 2, 2019 sampling events, and did not provide an explanation for this deficiency. Additionally, you failed to take the required

number of samples at either Facility during qualifying storm events in the years 2015 through 2019. While You repeatedly provided the explanation that not enough QSEs occurred (Gardena Annual Reports, 2015-2016; 2016-2017, 2017-2018, 2018-2019) (Sun Valley Annual Reports 2015-2016, 2016-2017, 2017-2018, 2018-2019), this is incorrect as sufficient qualifying storm events did occur during these time frames as outlined in Attachment 2.

Based on the above, it is clear that You have not developed and implemented adequate MIPs/MRPs. You were required to have prepared and implemented an adequate MRP for each Facility by no later than October 1, 1992 pursuant to the 1992 Permit and by Section B: Monitoring Program and Reporting Requirements, ¶ 1.a. of the 1997 Permit. Therefore, You have been in daily and continuous violation of the monitoring and reporting requirements of the Industrial Stormwater Permit set forth in Section B: MRP Requirements every day from October 1, 1992 (or whenever Your Facilities began operation, whichever is later) to July 1, 2015. The 2015 Industrial Stormwater Permit replaced the MRP requirements with the substantially similar MIP requirements. Therefore, You will continue to be in violation every day that You fail to develop and implement adequate MIPs for the Facilities. You are subject to penalties for violations of the Industrial Stormwater Permit and the CWA occurring within the past five (5) years.

IV. PERSONS RESPONSIBLE FOR THE VIOLATIONS

Angelus Block Company, Inc. 11374 Tuxford Street, Sun Valley, California 91352, a corporation, is the "person" responsible for the violations at the Facilities described above.

V. NAME AND ADDRESS OF NOTICING PARTY

Our name, address, and telephone number is as follows:

LA Waterkeeper
120 Broadway, Suite 105
Santa Monica, CA 90401
(310) 394-6162

VI. COUNSEL

LA Waterkeeper has retained legal counsel to represent it in this matter. Please direct all communications to:

Christopher Sproul
Brian Orion
Environmental Advocates
5135 Anza Street
San Francisco, CA 94121
(415) 533-3376

Email: csproul@enviroadvocates.com, borion@enviroadvocates.com

Elizabeth Jones
LA Waterkeeper
120 Broadway, Suite 105
Santa Monica, CA 90401
(310)394-6162, ext. 108
liz@lawaterkeeper.org

VII. REMEDIES

LA Waterkeeper will seek injunctive and declaratory relief to prevent further CWA violations pursuant to CWA sections 505(a) and (d), 33 U.S.C. §1365(a) and (d), and such other relief as permitted by law. In addition, LA Waterkeeper will seek civil penalties pursuant to CWA section 309(d), 33 U.S.C. § 1319(d) and 40 C.F.R. section 19.4, against each defendant in this action of up to $37,500 per day per violation for violations occurring from January 12, 2009, to November 2, 2015 and $51,570 per day per violation for violations occurring after November 2, 2015 and assessed on or after August 1, 2016. 33 U.S.C. § 1319(d); 40 C.F.R. § 19.4 (2016) (Adjustment of Civil Monetary Penalties for Inflation). Further, LA Waterkeeper will seek to recover costs and attorneys' fees in accord with CWA section 505(d), 33 U.S.C. § 1365(d).

LA Waterkeeper believes this Notice of Violations and Intent to Sue sufficiently states grounds for filing suit. We intend, at the close of the 60-day notice period or thereafter, to file a citizen suit under CWA section 505(a) against You for the above-referenced violations.

During the 60-day notice period, we are willing to discuss effective remedies for the violations noted in this letter. If You wish to pursue such discussions in the absence of litigation, we suggest that You initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,

Christopher a. sproul

Christopher Sproul
Environmental Advocates
Counsel for LA Waterkeeper

ADDITIONAL SERVICE LIST – FEDERAL & STATE AGENCIES

cc: Andrew Wheeler, Administrator U.S. Environmental Protection Agency USEPA Headquarters William Jefferson Clinton Building 1200 Pennsylvania Avenue, N. W. Mail Code: 1101A Washington, DC 20460	William Barr, U.S. Attorney General U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001
Michael Stoker, Regional Administrator U.S. Environmental Protection Agency Region IX 75 Hawthorne Street Mail Code: ORA-1 San Francisco, California 94105	Eileen Sobeck Executive Director State Water Resources Control Board P.O. Box 100 Sacramento, California 95812-0100
Irma Munoz, Chair Regional Water Quality Control Board Region 4 320 West Fourth Street, Suite 200 Los Angeles, CA 90013	

Attachment 1

Attachment 1

Results are shown in red if they are above the numeric action level.

Table 1: Sampling Results for the Angelus Block Gardena Facility from Documents Available on the Water Board's Storm Water Multiple Application & Report Tracking System

Date	Pollutant	Result	Units	Numeric Action Level (mg/L)	EPA Benchmark (mg/L)	California Toxics Rule (40 CFR § 131.38) / Basin Plan
2/27/2007	Total Iron	0.17	mg/L	1	1	
2/27/2007	Specific Conductance	41	umhos/cm			
2/27/2007	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
2/27/2007	pH	6.49	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
2/27/2007	Total Suspended Solids	62	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
4/20/2007	Total Iron	2.7	mg/L	1	1	
4/20/2007	Specific Conductance	83	umhos/cm			
4/20/2007	Oil & Grease	5.9	mg/L	15 (annual), 25 (instantaneous)		
4/20/2007	pH	5.66	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
4/20/2007	Total Suspended Solids	34	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
11/30/2007	Total Iron	0.15	mg/L	1	1	
11/30/2007	Specific Conductance	47	umhos/cm			
11/30/2007	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
11/30/2007	pH	7.19	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
11/30/2007	Total Suspended Solids	300	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
12/18/2007	Total Iron	0.58	mg/L	1	1	
12/18/2007	Specific Conductance	17	umhos/cm			
12/18/2007	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
12/18/2007	pH	7	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
12/18/2007	Total Suspended Solids	75	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
1/4/2008	Total Iron	0.073	mg/L	1	1	
1/4/2008	Specific Conductance	80	umhos/cm			

1/4/2008	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
1/4/2008	pH	6.7	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
1/4/2008	Total Suspended Solids	6	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
2/20/2008	Total Iron	0.16	mg/L	1	1	
2/20/2008	Specific Conductance	120	umhos/cm			
2/20/2008	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
2/20/2008	pH	7.22	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
2/20/2008	Total Suspended Solids	5	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
10/14/2009	Total Iron	0.15	mg/L	1	1	
10/14/2009	Specific Conductance	22	umhos/cm			
10/14/2009	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
10/14/2009	pH	6.57	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
10/14/2009	Total Suspended Solids	ND	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
1/26/2010	Total Iron	0.048	mg/L	1	1	
1/26/2010	Specific Conductance	26	umhos/cm			
1/26/2010	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
1/26/2010	pH	6.48	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
1/26/2010	Total Suspended Solids	ND	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
2/9/2010	Total Iron	0.011	mg/L	1	1	
2/9/2010	Specific Conductance	19	umhos/cm			
2/9/2010	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
2/9/2010	pH	6.68	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
2/9/2010	Total Suspended Solids	ND	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
12/19/2013	Total Iron	9.6	mg/L	1	1	
12/19/2013	Specific Conductance	80	umhos/cm			
12/19/2013	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
12/19/2013	pH	9.27	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
12/19/2013	Total Suspended Solids	320	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
2/28/2014	Total Iron	3.8	mg/L	1	1	
2/28/2014	Specific Conductance	64	umhos/cm			

2/28/2014	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
2/28/2014	pH	8.75	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
2/28/2014	Total Suspended Solids	30	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
12/2/2014	Total Iron	2.1	mg/L	1	1	
12/2/2014	Specific Conductance	140	umhos/cm			
12/2/2014	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
12/2/2014	pH	8.95	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
12/2/2014	Total Suspended Solids	240	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
12/12/2014	Total Iron	2	mg/L	1	1	
12/12/2014	Specific Conductance	88	umhos/cm			
12/12/2014	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
12/12/2014	pH	7.7	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
12/12/2014	Total Suspended Solids	18	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
12/16/2016	Total Iron	0.3	mg/L	1	1	
12/16/2016	Specific Conductance	170	umhos/cm			
12/16/2016	Oil & Grease	5.9	mg/L	15 (annual), 25 (instantaneous)		
12/16/2016	pH	8.52	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
12/16/2016	Total Suspended Solids	10	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
3/21/2018	Total Iron	3.7	mg/L	1	1	
3/21/2018	Specific Conductance	170	umhos/cm			
3/21/2018	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
3/21/2018	pH	8.44	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
3/21/2018	Total Suspended Solids	110	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
1/17/2019	Total Iron	0.012	mg/L	1	1	
1/17/2019	Specific Conductance		umhos/cm			
1/17/2019	Oil & Grease	1.6	mg/L	15 (annual), 25 (instantaneous)		
1/17/2019	pH	6.84	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
1/17/2019	Total Suspended Solids	ND	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
1/31/2019	Total Iron	0.33	mg/L	1	1	
1/31/2019	Specific Conductance		umhos/cm			

1/31/2019	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
1/31/2019	pH	7.4	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
1/31/2019	Total Suspended Solids	10	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	

Table 2: Sampling Results for the Angelus Block Sun Valley Facility from Documents Available on the Water Board's Storm Water Multiple Application & Report Tracking System

Date	Pollutant	Result	Units	Numeric Action Level (mg/L)	EPA Benchmark (mg/L)	California Toxics Rule (40 CFR § 131.38) / Basin Plan
2/27/2007	Total Iron	0.18	mg/L	1	1	
2/27/2007	Specific Conductance	41	umhos/cm			
2/27/2007	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
2/27/2007	pH	6.62	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
2/27/2007	Total Suspended Solids	60	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
4/20/2007	Total Iron	2.2	mg/L	1	1	
4/20/2007	Specific Conductance	*0	umhos/cm			
4/20/2007	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
4/20/2007	pH	5.*1	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
4/20/2007	Total Suspended Solids	23	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
11/30/2007	Total Iron	0.43	mg/L	1	1	
11/30/2007	Specific Conductance	35	umhos/cm			
11/30/2007	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
11/30/2007	pH	7.12	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
11/30/2007	Total Suspended Solids	88	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
12/18/2007	Total Iron	0.47	mg/L	1	1	
12/18/2007	Specific Conductance	17	umhos/cm			
12/18/2007	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
12/18/2007	pH	7.02	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
12/18/2007	Total Suspended Solids	40	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
1/4/2008	Total Iron	0.099	mg/L	1	1	

1/4/2008	Specific Conductance	82	umhos/cm			
1/4/2008	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
1/4/2008	pH	6.83	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
1/4/2008	Total Suspended Solids	9	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
2/20/2008	Total Iron	0.16	mg/L	1	1	
2/20/2008	Specific Conductance	130	umhos/cm			
2/20/2008	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
2/20/2008	pH	7.19	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
2/20/2008	Total Suspended Solids	5	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
10/14/2009	Total Iron	0.095	mg/L	1	1	
10/14/2009	Specific Conductance	22	umhos/cm			
10/14/2009	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
10/14/2009	pH	6.62	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
10/14/2009	Total Suspended Solids	ND	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
1/26/2010	Total Iron	0.047	mg/L	1	1	
1/26/2010	Specific Conductance	25	umhos/cm			
1/26/2010	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
1/26/2010	pH	6.48	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
1/26/2010	Total Suspended Solids	ND	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
2/9/2010	Total Iron	ND	mg/L	1	1	
2/9/2010	Specific Conductance	19	umhos/cm			
2/9/2010	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
2/9/2010	pH	6.75	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
2/9/2010	Total Suspended Solids	ND	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
12/19/2013	Total Iron	12	mg/L	1	1	
12/19/2013	Specific Conductance	80	umhos/cm			
12/19/2013	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
12/19/2013	pH	9.01	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
12/19/2013	Total Suspended Solids	340	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
2/28/2014	Total Iron	13	mg/L	1	1	

2/28/2014	Specific Conductance	130	umhos/cm			
2/28/2014	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
2/28/2014	pH	9.8	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
2/28/2014	Total Suspended Solids	520	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
12/2/2014	Total Iron	1.3	mg/L	1	1	
12/2/2014	Specific Conductance	47	umhos/cm			
12/2/2014	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
12/2/2014	pH	8.27	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
12/2/2014	Total Suspended Solids	80	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
12/12/2014	Total Iron	0.97	mg/L	1	1	
12/12/2014	Specific Conductance	120	umhos/cm			
12/12/2014	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
12/12/2014	pH	7.47	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
12/12/2014	Total Suspended Solids	22	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
12/16/2016	Total Iron	0.32	mg/L	1	1	
12/16/2016	Specific Conductance	91	umhos/cm			
12/16/2016	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
12/16/2016	pH	6.22	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
12/16/2016	Total Suspended Solids	40	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
1/12/2017	Total Iron	0.97	mg/L	1	1	
1/12/2017	Specific Conductance	290	umhos/cm			
1/12/2017	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
1/12/2017	pH	8.99	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
1/12/2017	Total Suspended Solids	22	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	
3/2/2018	Total Iron	3.7	mg/L	1	1	
3/2/2018	Specific Conductance	180	umhos/cm			
3/2/2018	Oil & Grease	ND	mg/L	15 (annual), 25 (instantaneous)		
3/2/2018	pH	8.21	SU	6 to 9 (instantaneous)	6 to 9	6.5 to 8.5
3/2/2018	Total Suspended Solids	53	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	

* information in document uploaded to SMARTS not readable

Table 3: Results for the Angelus Block Gardena Facility from Los Angeles Waterkeeper Sampling

Date	Pollutant	Result	Units	Numeric Action Level (mg/L)	EPA Benchmark (mg/L)	California Toxics Rule (40 CFR § 131.38) / Basin Plan
3/28/2019	Total Iron	3.9	mg/L	1	1	
3/28/2019	Total Aluminum	2.9	mg/L	0.75	0.75	
3/28/2019	Dissolved Zinc	0.0059	mg/L			
3/28/2019	Total Zinc	0.26	mg/L	0.26	0.117	0.12
3/28/2019	Oil & Grease	1.7	mg/L	15 (annual), 25 (instantaneous)		
3/28/2019	NO2+NO3 as N	0.18	mg/L	0.68	0.68	
3/28/2019	Total Suspended Solids	0.14	mg/L	100 (annual), 400 (instantaneous)	100 (annual)	

Attachment 2

Attachment 2
Table 1

Alleged Dates of Angelus Block's Violations at the Gardena Facility: October 7, 2014 to September 29, 2019.

Days with Precipitation One-Tenth of an Inch of greater, As Reported by NOAA's National Climatic Data Center, Hawthorne Municipal Airport Station, available at https://www.climate.gov/maps-data/dataset/past-weather-zip-code-data-table.

Date	Rainfall (Inches)
12/2/14	1.32
12/3/14	0.23
12/12/14	1.58
12/16/14	0.6
12/17/14	0.4
12/30/14	0.11
1/10/15	0.57
1/11/15	0.39
1/26/15	0.1
2/22/15	0.31
2/28/15	0.15
3/1/15	0.21
3/2/15	0.12
4/7/15	0.23
5/7/15	0.19
5/14/15	0.25
7/18/15	0.32
9/15/15	1.59
12/13/15	0.1
12/19/15	0.27
12/22/15	0.56
1/5/16	1.09
1/6/16	1.05
1/7/16	0.17
1/31/16	0.12
2/17/16	0.64
2/18/16	0.11
3/6/16	0.54
3/7/16	0.39
3/11/16	0.58
4/8/16	0.1

Date	Rainfall (Inches)
5/5/16	0.11
10/17/16	0.44
11/20/16	0.44
11/21/16	0.32
11/26/16	0.23
12/15/16	0.46
12/16/16	0.33
12/21/16	0.51
12/22/16	0.37
12/23/16	0.94
12/30/16	0.21
1/5/17	0.4
1/9/17	0.75
1/10/17	0.21
1/11/17	0.23
1/12/17	0.62
1/19/17	0.71
1/20/17	1.25
1/22/17	2.72
1/23/17	0.26
2/3/17	0.4
2/6/17	1.03
2/7/17	0.31
2/10/17	0.24
2/17/17	1.79
2/18/17	0.21
4/8/17	0.3
5/7/17	0.11
1/8/18	0.34
1/9/18	1.01
2/26/18	0.12
3/2/18	0.26
3/10/18	0.43
3/15/18	0.13
3/16/18	0.29
3/21/18	0.1
3/22/18	0.32
10/12/18	0.5
11/22/18	0.29
11/29/18	1.08

Date	Rainfall (Inches)
12/5/18	0.14
12/6/18	1.42
1/5/19	0.55
1/7/19	0.1
1/12/19	0.91
1/14/19	1.03
1/15/19	0.71
1/16/19	0.67
1/17/19	0.58
1/31/19	0.9
2/2/19	1.68
2/4/19	0.31
2/5/19	0.25
2/9/19	0.23
2/14/19	1.76
2/15/19	0.19
3/2/19	0.89
3/6/19	0.95
5/16/19	0.38
5/19/19	0.25

Attachment 2
Table 2

Alleged Dates of Angelus Block's Violations at the Sun Valley Facility: October 7, 2014 to September 29, 2019.

Days with Precipitation One-Tenth of an Inch of greater, As Reported by NOAA's National Climatic Data Center, Burbank Glendale Pasadena Airport Station, available at https://www.climate.gov/maps-data/dataset/past-weather-zip-code-data-table.

Date	Rainfall (Inches)
10/31/14	0.34
11/30/14	0.73
12/2/14	1.1
12/12/14	1.22
12/16/14	0.7
12/17/14	0.28
1/10/15	0.41
1/11/15	0.27
1/26/15	0.19

Date	Rainfall (Inches)
1/30/15	0.23
2/22/15	0.32
2/23/15	0.14
2/28/15	0.12
3/1/15	0.63
3/2/15	0.2
4/7/15	0.1
4/25/15	0.15
5/14/15	0.2
7/18/15	0.29
9/15/15	1.04
10/4/15	0.25
10/5/15	0.15
12/13/15	0.21
12/19/15	0.18
12/22/15	0.23
1/5/16	1.42
1/6/16	1.18
1/7/16	0.4
1/31/16	0.7
2/17/16	0.42
2/18/16	0.21
3/6/16	0.74
3/7/16	0.35
3/11/16	0.62
3/29/16	0.11
4/8/16	0.1
4/9/16	0.12
11/20/16	0.64
11/21/16	0.36
11/26/16	0.12
12/15/16	0.36
12/16/16	0.39
12/21/16	0.36
12/22/16	0.18
12/23/16	1.17
12/30/16	0.21
12/31/16	0.21
1/5/17	0.31
1/7/17	0.28

Date	Rainfall (Inches)
1/9/17	0.58
1/10/17	0.14
1/11/17	0.34
1/12/17	0.68
1/19/17	0.44
1/20/17	1.11
1/22/17	1.57
1/23/17	0.14
2/3/17	0.23
2/6/17	0.34
2/10/17	0.32
2/17/17	2.05
2/18/17	0.15
3/21/17	0.17
5/7/17	0.12
1/8/18	0.47
1/9/18	1.86
2/26/18	0.14
3/2/18	0.35
3/3/18	0.14
3/10/18	0.75
3/13/18	0.17
3/14/18	0.23
3/15/18	0.53
3/21/18	0.63
3/22/18	0.74
10/12/18	0.23
11/21/18	0.1
11/22/18	0.14
11/29/18	0.81
12/5/18	0.44
12/6/18	2.15
1/5/19	0.4
1/6/19	0.21
1/12/19	0.7
1/14/19	1.52
1/15/19	0.36
1/16/19	0.46
1/17/19	0.79
1/31/19	0.86

Date	Rainfall (Inches)
2/2/19	2.13
2/3/19	0.89
2/4/19	0.78
2/5/19	0.13
2/9/19	0.2
2/10/19	0.37
2/14/19	1.73
2/15/19	0.13
3/2/19	0.56
3/6/19	0.94
3/21/19	0.43
5/11/19	0.15
5/16/19	0.28
5/19/19	0.24